

Application No. 09/140,886
Amendment dated March 18, 2005
Reply to Advisory Action dated March 9, 2005



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REMARKS

Claims 1, 4-6, 8, 11-13, and 15-22 have been amended. These amendments have been made to place the application in better form for examination and to further obviate the 35 U.S.C. §112 rejections set forth in the Advisory Action dated March 9, 2005. It is believed that none of these amendments constitute new matter. Withdrawal of these rejections is requested.

Applicant wishes to thank the Examiner for pointing out that claims 4, 6, and 17-18 did not reflect the amendments that were made January 7, 2002. Applicant has presented these claims in this amendment to reflect the earlier amendments.

The Examiner has rejected claims 1 and 15 under 35 U.S.C. §112, second paragraph, because the preamble and first portion of the amended claims do not agree with the final result. Applicant has amended claims 1 and 15. In addition, Applicant has amended the remaining claims to include the word "maize" before each recitation of "seed" or "plant" as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

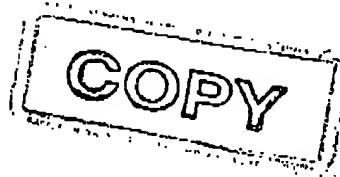
The Examiner has rejected claims 8, 11-13, and 19-22 under 35 U.S.C. §112, second paragraph, for failing to recite that the transgenic plants are maize plants, and for failing to make clear that the transgenic maize plant comprises said sorghum genomic DNA. Applicant has amended claims 8, 11-13, and 19-22 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 15 and 16 under 35 U.S.C. §112, second paragraph, because "said DNA fragments" lacks antecedent basis. Applicant has amended claims 15 and 16. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1 and 15 under 35 U.S.C. §112, first paragraph, for lack of support in the specification for "genomic DNA greater than 10kb". Applicant has amended claims 1 and 15 as suggested by the Examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has indicated that the Wilson affidavit of 22 February 2005 is deficient because it is unclear what is meant by "the transformed regenerants of Stine

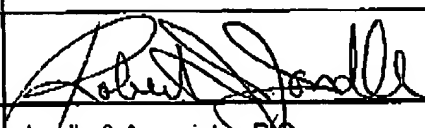
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inbred 963". Applicant submits with this response a new declaration under 37 C.F.R. 1.132 which clarifies the previous declaration submitted on February 22, 2005.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §112. Reconsideration of this application and early notice of allowance is requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
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